

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 248 of 1994

with

APPEAL FROM ORDER No 204 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PUNJAB CONCAST STEELS LTD.

Versus

GESURI CHARTERING CO LTD

Appearance:

1. Appeal from Order No. 248 of 1994
MR SB VAKIL for Appellant
MS PAURAMI B SHETH for Respondent No. 1
NOTICE UNSERVED for Respondent No. 3
2. Appeal from OrderNo 204 of 1994
MR SB VAKIL for Appellant
MS PAURAMI B SHETH for Respondent No. 1
MR SR BRAHMBHATT for Respondent No. 3

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 19/11/98

ORAL JUDGEMENT

#. Heard the learned counsel for the respective parties.

#. As a result of the hearing and discussion, a consensus has been arrived at between the learned counsel on the basis of which the trial court is directed to dispose off the pending suit as expeditiously as possible and in any case not later than 31st April, 1999. However, if the suit is not disposed off by due date, the trial court may record a finding (after hearing the parties) whether the plaintiff is responsible for the non disposal of the suit as directed, and in that case, the appellant-first defendant shall not be under an obligation to renew and/or extend the bank guarantee during the pendency of the suit. However if the trial court finds that it was the first defendant who was responsible for the non disposal of the suit as directed, its obligation to keep the bank guarantee renewed and in force shall continue.

#. It is further clarified that the plaintiffs who are restrained from proceeding further in the arbitration proceedings, by order passed in C.A. No. 2457/94 in A.O. 204/94, shall continue to be so restrained until the suit is finally disposed off. It is further clarified that the order passed below exh. 5 and impugned in A.O. 248/98 is not dealt with on merits by the present order, and that order dated 28th July, 1994 passed in C.A. No. 3374/94 shall continue to operate, subject to the rider that the first defendant shall keep the bank guarantee alive till the aforesaid date fixed for the disposal of the suit, and subject to the further rider as aforesaid. It is clarified that while deciding the suit on merits and in accordance with law, the trial court shall deal with all the issues raised in the suit, based on the various contentions of the respective parties.

#. The Registry is directed to send the Yadi to the trial court forthwith i.e. not later than 24th November, 1998. Direct service is also permitted.

#. These appeals are accordingly disposed off with no order as to costs.
